



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,328	01/31/2002	Kulvir Singh Bhogal	AUS920010652US1	3988
7590	02/24/2006			
Frank C. Nicholas CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			EXAMINER NGUYEN, THANH T	
			ART UNIT	PAPER NUMBER
			2144	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,328

Applicant(s)

BHOGAL ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Detailed Office Action

1. This action is in response to the amendment filed on December 8, 2005.
2. Claims 1-18 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph et al. (USPN 6,628,615 – Date of Patent: September 30, 2003, herein referred to as “Joseph”).
5. As to claim 1, Joseph teaches the invention as claimed, including a method for splitting a bandwidth among a plurality of network transactions, said method

- comprising: displaying a communication requesting a priority of a network transaction (see col.7, lines 1-20); and receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).
6. As to claim 2, Joseph teaches the invention as claimed, further comprising: monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).
 7. As to claim 3, Joseph teaches the invention as claimed, further comprising: detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 8. As to claim 4, Joseph teaches the invention as claimed, further comprising: creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 9. As to claim 5, Joseph teaches the invention as claimed, further comprising: generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).
 10. As to claim 6, Joseph teaches the invention as claimed, further comprising: executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).
 11. As to claim 7, ~~Joseph~~ teaches the invention as claimed, including a system for splitting a bandwidth among a plurality of network transactions, said system

comprising: means for displaying a communication requesting a priority of a network transaction (see col.7, lines 1-20); and means for receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).

12. As to claim 8, Joseph teaches the invention as claimed, further comprising: means for monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).
13. As to claim 9, Joseph teaches the invention as claimed, further comprising: means for detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
14. As to claim 10, Joseph teaches the invention as claimed, further comprising: means for creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
15. As to claim 11, Joseph teaches the invention as claimed, further comprising: means for generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).
16. As to claim 12, Joseph teaches the invention as claimed, further comprising: means for executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).
17. As to claim 13, Joseph teaches the invention as claimed, including a computer program product in a computer readable medium for splitting a bandwidth among a

plurality of network transactions, said computer program product comprising:
computer readable code for displaying a communication requesting a priority of a
network transaction (see col.7, lines 1-20); and computer readable code for receiving
an input indicating the priority of the network transaction (see col.7, lines 21-33).

18. As to claim 14, Joseph teaches the invention as claimed, further comprising:
computer readable code for monitoring a port address for an initiation of the network
transaction (see col.6, lines 10-22, and col.8, lines 1-26).
19. As to claim 15, Joseph teaches the invention as claimed, further comprising:
computer readable code for detecting an initiation of the network transaction, wherein
the communication is displayed subsequent to a detection of the initiation of the
network transaction (see col.5, lines 66 to col.6, lines 23).
20. As to claim 16, Joseph teaches the invention as claimed, further comprising:
computer readable code for creating a thread for controlling a processing of the
network transaction in response to a detection of the initiation of the network
transaction (see col.5, lines 66 to col.6, lines 23).
21. As to claim 17, Joseph teaches the invention as claimed, further comprising:
computer readable code for generating a priority schedule based upon the priority
corresponding to the network transaction as indicated by the input (see col.7, lines 1-
33).
22. As to claim 18, Joseph teaches the invention as claimed, further comprising:
computer readable code for executing the thread to control the processing of the
network transaction in accordance with the priority schedule (see col.7, lines 13 -33).

Response to Arguments

23. Applicant's arguments filed on December 8, 2005 have been fully considered, however they are not persuasive because of the following reasons:
24. Applicants argue that *Joseph* does not teach displaying a communication requesting a priority of an incoming message and monitoring a port address for an initiation of the network transaction. In response to Applicant's argument, the Patent Office maintain the rejection because *Joseph* does teach displaying a communication requesting a priority of an incoming message and monitoring a port address for an initiation of the network transaction as shown in col.8, lines 5-26 shows "tracking the received packet and when all of them have arrived, it notifies the user" and in *Joseph* teaches a transport 200 for receiving messages 220 that may include a priority, and if it is then it teaches a communication requesting a priority of an incoming message and in *Joseph* teaches "tracking" function as monitoring and "notifies to user" function as display to user.
25. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 7, and 13. Claims 2-6, 8-12 and 14-18 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.
26. Accordingly, claims 1-18 are respectfully rejected.

Conclusion


27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

28. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

TTN
February 14, 2006


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100